

U.S. Patent Application Serial No. **09/995,588**
Response dated September 15, 2003
Reply to OA of **June 18, 2003**

REMARKS

Claims 1-22 are pending in this application, with claims 16-22 currently withdrawn from consideration. Claim 1 has been amended herein. No new matter has been entered.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Hermann (U.S. Patent No. 6,449,079) (Office action paragraph no. 6).

Reconsideration of the rejection is respectfully requested in view of the amendment to claim 1.

Amended claim 1 sets forth a method of making a micromirror unit from a material substrate having a multi-layer structure including a first silicon layer, a second silicon layer and at least one intermediate layer, the micromirror unit including a mirror forming base, a frame and a torsion bar. According to the method, the first silicon layer is etched to form a pre-torsion bar which is smaller in thickness than the mirror forming base and held in contact with the intermediate layer. The method also comprises the steps of attaching a third silicon layer to the first silicon layer, and forming the torsion bar by removing the intermediate layer contacting with the pre-torsion bar.

As noted by the Examiner, Herrmann discloses only two silicon layers 21, 22 above and below an intermediate insulating layer 22, respectively. Thus, this reference clearly fails to teach or suggest a **third** silicon layer attached to the first silicon layer 21.

Applicants therefore submit that claim 1, as amended, is not anticipated by and, further, is non-obvious over Hermann.

Claims 2-15 are allowed (Office action paragraph no. 7).

U.S. Patent Application Serial No. **09/995,588**

Response dated September 15, 2003

Reply to OA of **June 18, 2003**

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP

Daniel A. Geselowitz
Daniel A. Geselowitz, Ph.D.

Agent for Applicants

Reg. No. 42,573

DAG/plb

Atty. Docket No. **011562**

Suite 1000

1725 K Street, N.W.

Washington, D.C. 20006

(202) 659-2930



23850

PATENT TRADEMARK OFFICE

H:\HOME\dgeselowitz\USPTO Amendments and Responses as filed\011562\9-15-03 amend